

REMARKS

In section 2 of the Office Action, the Examiner rejected claims 1-9, 11-19, and 21-24 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Independent claim 1 has been amended to overcome this rejection.

In section 3 of the Office Action, the Examiner rejected dependent claims 1-68 under 35 U.S.C. §103(a) as being unpatentable over the Morton patent.

The Morton patent discloses a method of introducing potential customers to an information service. As shown in Figure 2, a potential customer is identified by the reference numeral 220, and a current customer is identified by the reference numeral 280. The potential customer 220 uses a telephone 240 to communicate with the current customer 280 by way of an information service 260. The information service 260 may provide a wide variety of services such as e-mail, fax, voice mail, answering services, call waiting, conference calling, and processing of requests for Web pages, newsgroup postings, financial information, and audio and multimedia files. The current customer 280 also communicates with the information service 260.

When the potential customer 220 initiates a communication with the current customer 280 as shown by step 310 of Figure 3, the information service 260 at step 320 receives the communication request, and the information service 260 identifies the potential customer at step 330. At step 340, the potential customer 220 holds while the information service 260 contacts the current customer 280. At step 350, the potential customer 220 interacts with the information service 260 during the hold time by allowing the potential customer 220 to browse the Internet, retrieve financial data, select music to be played, or request other information provided by the information service 260. The information service 260 can also provide the potential customer 220 with a features demo. The manner in which the information service interacts with the potential customer and the particular features of the information service are not critical to the marketing techniques of the invention. At step 360, the information service 260 tracks the interaction with the potential customer 220. At step 370, the information service 270 contacts the current customer 280 regarding the communication while the potential customer 220 interacts with the information service 260. The current customer 280 then has the

opportunity to determine how the communication will be handled. For example, the information service 260 can take a message, place the potential customer 220 on hold for a few minutes, or inform the potential customer 220 that the current customer 280 will return the communication at a later time. At step 380, the information service 260 reports back to the potential customer 220 and handles the communication as instructed.

Figure 4 shows how the information service 260 processes a communication initiated by the current customer 280. At step 410, the current customer 280 initiates the communication. At step 420, the information service 260 identifies the potential customer 220. At steps 430, 440, and 450, the information service 260 notifies the current customer of the communication. At step 460, the information service 260 allows the potential customer 220 to interact with the information service 260 as before. At step 470, the information service 260 tracks the interaction with the potential customer 220.

Also, a subsequent interaction between the potential customer 200 and the information service 260 can be initiated by the information service 260. Thus, after an initial contact, the information service 260

could automatically initiate a re-contact with the potential customer 220 to remind the potential customer 220 of the earlier interaction. This re-contact can be initiated based on previous tracking information.

Independent claim 1 is directed to a method in which a note is posted on a first computer at a first party content provider, in which a second party content recipient uses a second computer to electronically engage in an activity related to the note, and in which payment is provided to a third party based upon the activity.

As can be seen, the Morton patent does not disclose or suggest a note that is posted on a computer of a first party content provider. Indeed, the Morton patent at most suggests downloading certain information to a potential customer while the potential customer (content recipient) interacts with an information service (content provider). However, there is no suggestion that such information is in the form of a note.

Because the Morton patent does not disclose or suggest a note, the Morton patent cannot disclose or suggest the electronic engagement in an activity related to the note by a second party content recipient as required by independent claim 1.

For this reason, independent claim 1 is patentable over the Morton patent.

Moreover, the Morton patent does not disclose or suggest providing payment to a third party based upon an activity involving a note. The Examiner asserts that the Morton patent suggests providing such payment because "The invention has been described [in the Morton patent] primarily in the context of operating a viral marketing system in connection with an information service having a voice interface."

Applicants assume that the Examiner believes that a viral marketing system is one that derives revenues. However, even if this belief is warranted, deriving revenues based on the services offered by the information service 260 does not mean that revenues are provided to a third party based upon an activity engaged in by a content recipient with respect to a note posted by a content provider. Indeed, the Morton patent does not suggest providing payment to a third party based upon an activity engaged in by a content recipient with respect to a note posted by a content provider.

Because the Morton patent does not disclose or suggest providing payment to a third party based upon an activity engaged in by a content recipient with respect

to a note posted by a content provider, the Morton patent cannot disclose or suggest the invention of independent claim 1.

For this reason also, independent claim 1 is patentable over the Morton patent.

Independent claim 29 is directed to a method in which a note is posted at a first party content provider, in which program code related to the note is executed at a second party content recipient, and in which payment is provided to a third party based upon the note.

As discussed above, the Morton patent does not disclose or suggest a note that is posted at a first party content provider. Indeed, the Morton patent at most suggests downloading certain information to a potential customer 220 (content recipient) while the potential customer 220 interacts with an information service 260 (content provider). However, there is no suggestion that such information is in the form of a note.

Because the Morton patent does not disclose or suggest a note, the Morton patent cannot disclose or suggest the execution of program code related to the note at a second party content recipient as required by independent claim 29.

For this reason, independent claim 29 is patentable over the Morton patent.

Moreover, the Morton patent does not disclose or suggest providing payment to a third party based upon a note. The Examiner asserts that the Morton patent suggests providing such payment because "The invention has been described [in the Morton patent] primarily in the context of operating a viral marketing system in connection with an information service having a voice interface."

As also discussed above, Applicants assume that the Examiner believes that a viral marketing system is one that derives revenues. However, even if this belief is warranted, deriving revenues based on the services offered by the information service 260 does not mean that revenues are provided to a third party based upon a note posted by a second party content provider. Indeed, the Morton patent does not suggest providing payment to a third party based upon a note which relates to program code executed at a second party content recipient.

Because the Morton patent does not disclose or suggest providing payment to a third party based upon a note which relates to program code executed at a second party content recipient, the Morton patent cannot

disclose or suggest the invention of independent claim 29.

For this reason also, independent claim 29 is patentable over the Morton patent.

Independent claim 41 is directed to an arrangement of sites comprising first, second, and third sites. The first site is a content provider site coupled to a network, the first site executes first program code for the posting of a note thereat, the first site is operated by a content provider, and the content provider is a first party. The second site is a content recipient site coupled to the network, the second site executes second program code, the second program code is compliant with the note posted at the first site, the second site is operated by a content recipient, and the content recipient is a second party. The third site is operated by a third party, and the third site receives payment based upon the note posted at the first site.

As discussed above in connection with independent claim 1 and 29, the Morton patent does not disclose or suggest posting a note, and does not disclose or suggest receiving payment at a third site based upon a note that is posted at a first site and that is compliant with program code executed at a second site.

For both of these reasons, independent claim 41 is patentable over the Morton patent.

As discussed above, the Morton patent does not disclose a note or the posting of a note at a content provider. The difference between a note and ordinary content is amplified by dependent claims 69, 71, and 73 which recite that the note has an attachment characteristic such that the note is attachable to a window. The Morton patent does not disclose or suggest a note that has an attachment characteristic such that the note is attachable to a window. At most, the Morton patent suggests having content embedded in a web page rather than content attached to the web page. Therefore, dependent claims 69, 71, and 73 are patentable over the Morton patent.

Alternatively, the difference between a note and ordinary content is also amplified by dependent claims 70, 72, and 74 which recite that the note has an attachment characteristic such that the note is attachable to a window by a drag and drop operation. The Morton patent does not disclose or suggest a note that has an attachment characteristic such that the note is attachable to a window by a drag and drop operation. At most, the Morton patent suggests having content embedded

in a web page rather than content attached to the web page. Therefore, dependent claims 70, 72, and 74 are patentable over the Morton patent.

As a further alternative, the difference between a note and ordinary content is also amplified by dependent claims 75, 76, and 77 which recite that the note is posted on a web page of the content provider and has a characteristic such that the note can be downloaded to the content recipient separately from the web page. The Morton patent does not disclose or suggest a note that is posted on a web page of the content provider and that has a characteristic such that the note can be downloaded to the content recipient separately from the web page. At most, the Morton patent suggests downloading of the whole web page to a content recipient. Therefore, dependent claims 75, 76, and 77 are patentable over the Morton patent.

As a still further alternative, the difference between a note and ordinary content is also amplified by dependent claims 78, 79, and 80 which recite that the note is posted on a web page of the content provider and has a characteristic such that the note can be automatically downloaded to the content recipient separately from the web page. The Morton patent does not

disclose or suggest a note that is posted on a web page of the content provider and that has a characteristic such that the note can be automatically downloaded to the content recipient separately from the web page. The Morton patent does not disclose or suggest the automatic download of anything, much less a note. Therefore, dependent claims 78, 79, and 80 are patentable over the Morton patent.

Because the independent claims of the present application are patentable over the Morton patent, the dependent claims are likewise patentable over the Morton patent.


INTRODUCTION

In view of the above, the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the present application are respectfully requested.

Respectfully submitted,

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